

## **Amendments to the Claims:**

### **Listing of Claims:**

Claim 1 (currently amended): ~~The use of an epothilone for the treatment of a proliferative disease; the use of epothilone for the manufacture of a pharmaceutical preparation for the treatment of a proliferative disease; a pharmaceutical preparation comprising a dose of an epothilone that is appropriate for the treatment of a proliferative disease; or a A method for treating a proliferative disease, said method comprising the step of daily administration~~ administration over 1 to 14 days, of a therapeutically effective amount of an epothilone, together with a pharmaceutically acceptable carrier, to a warm-blooded animal in need of such treatment, wherein the daily administration is by ~~continuous~~ continuous intravenous (i.v.) administration lasting 6 to 24 hours.

Claim 2 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the The method for treating a proliferative disease according to claim 1, where the epothilone is epothilone B.~~

Claim 3 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to claims 1 or 2~~ claim 1 where an epothilone is used in more than one treatment cycle, wherein a treatment cycle consists of a dosing period from 1 day to 2 weeks and a resting period from 6 days to 10 weeks, wherein the dosing period may not be shorter than the administration over 1 to 14 days.

Claim 4 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to claims 1 to 3~~ claim 1 where epothilone B is used in a dose in humans that is between 4.0 mg/m<sup>2</sup> and 10 mg/m<sup>2</sup>.

Claim 5 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to claims 1 to 4~~ claim 1 where epothilone B is used in a dose in humans that is between 5 mg/m<sup>2</sup> and 10 mg/m<sup>2</sup>.

Claim 6 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to claims 1 to 5~~claim 1 where epothilone B is used in a dose that is between ~~between~~ 5.4 mg/m<sup>2</sup> and 8 mg/m<sup>2</sup>.

Claim 7 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to claims 1 to 6~~claim 1 where epothilone B is used in a dose that is between ~~between~~ 7 mg/m<sup>2</sup> and 8 mg/m<sup>2</sup>.

Claim 8 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to any of the preceding claims~~claim 1 where epothilone B is administered by intravenous infusion over 1 to 10 days.

Claim 9 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to any of the preceding claims~~claim 1 where the epothilone is administered by intravenous infusion over 1 to 7 days.

Claim 10 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to any of the preceding claims~~claim 1 where the epothilone is administered by intravenous infusion over 1 to 5 days.

Claim 11 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to any of the claims 1 to 10~~claim 1 where the epothilone is administered by intravenous infusion over 1 day.

Claim 12 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to any of the claims 1 to 10~~claim 1 where the epothilone is administered by intravenous infusion over 5 days.

Claim 13 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to ~~any one of claims 1 to 12~~claim 1 wherein the proliferative disease is refractory to treatment with one or more chemotherapeutics other than an epothilone, where an epothilone, especially epothilone B, is administered to a human in need of such treatment in a dose that is appropriate for the treatment of said disease.

Claim 14 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 13 where the refractory tumor to be treated is selected from the group consisting of lung, colorectal, prostate, ovarian, breast or epidermoid head or neck tumors.

Claim 15 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 13 wherein the tumor to be treated is a colorectal tumor that is refractory to 5-fluorouracil.

Claim 16 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 15 wherein the colorectal tumor to be treated is in addition refractory to at least one other standard chemotherapeutic.

Claim 17 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 16 where the tumor to be treated is a colorectal tumor that is refractory to TAXOL and 5-fluorouracil treatment.

Claim 18 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 13 where the tumor to be treated is an ovarian tumor, and/or any metastasis thereof, refractory to 5-fluorouracil.

Claim 19 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 13 where the tumor to be treated is an epidermoid head or neck tumor that is refractory to treatment with at least one other chemotherapeutic.

Claim 20 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 19 where the epidermoid head or neck tumor is refractory to treatment with TAXOL.

Claim 21 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 13, where the tumor to be treated is a lung tumor that is refractory to treatment with at least one other chemotherapeutic.

Claim 22 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 21 where the tumor to be treated is a non-small cell lung cancer.

Claim 23 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 22 where the non-small cell lung cancer is refractory to treatment with TAXOL.

Claim 24 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 13 where the tumor to be treated is a breast tumor.

Claim 25 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 13 wherein the tumor to be treated is a colorectal tumor that is refractory to standard chemotherapy.

Claim 26 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 13 where the tumor to be treated is an epidermoid head or neck tumor refractory to treatment with at least one other chemotherapeutic due to multi-drug resistance.

Claim 27 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to ~~any one of claims 1 to 12~~claim 1 where the proliferative disease to be treated is selected from the group consisting of a colorectal tumor, a tumor of the genitourinary tract, an epidermoid tumor, a lung tumor and a breast tumor.

Claim 28 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 27 where the proliferative disease to be treated is a colorectal tumor that is refractory to at least 5-fluorouracil and/or to standard chemotherapy.

Claim 29 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 27 where the proliferative disease to be treated is an ovarian tumor.

Claim 30 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 29 where the ovarian tumor is refractory to 5-fluorouracil.

Claim 31 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 27 where the proliferative disease is an epidermoid head or neck tumor.

Claim 32 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method~~

~~for treating a proliferative disease~~ according to claim 31 where the head or neck tumor is multidrug-resistant.

Claim 33 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 27 where the proliferative disease is a non-small cell lung tumor.

Claim 34 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 33 where the non-small cell lung tumor is refractory to treatment with a member of the taxane class of anti-cancer agents.

Claim 35 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 27 where the proliferative disease is a breast tumor.

Claim 36 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to claim 35 where the breast tumor is refractory to treatment with at least one member of the taxane class of anti-cancer agents.

Claim 37 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to ~~any one of claims 1 to 13~~claim 1 where the proliferative disease to be treated is a multidrug resistant tumor.

Claim 38 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease~~ according to ~~any one of claims 1 to 13~~claim 1 where the proliferative disease to be treated is selected from the group consisting of a melanoma, ovarian cancer, pancreas cancer, neuroblastoma, head or neck cancer, bladder cancer, renal cancer, brain cancer and gastric cancer.

Claim 39 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to any one of claims 1 to 38~~claim 1, further comprising the step of administering (a) epothilone B in combination with (b) another antitumor therapeutic, the combined treatment being so timed that component (a) and component (b) are administered to a human in need of such treatment in combination and in a quantity that is jointly therapeutically effective against said proliferative disease.

Claim 40 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to claim 1 or 2~~, where the proliferative disease is a tumor that is refractory to the treatment with an anti-cancer agent of the taxane class, said tumor being selected from the group consisting of a colorectal, an ovarian, a pancreatic and a brain tumor.

Claim 41 (currently amended): ~~The use for treatment; the use of epothilone for the manufacture of a pharmaceutical preparation; the pharmaceutical preparation; or the method for treating a proliferative disease according to claim 1 or 2~~ where the proliferative disease is a multidrug resistant non-small cell lung carcinoma, a multidrug resistant breast tumor, or a multidrug resistant epidermoid head and neck tumor.